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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kemp E. Falkner

Art Unit: 1724

Serial Number: 10/785231

Examiner: Matthew O. Savage

Filing Date: 02/25/2004

For: Liquid Treatment Injector

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ELECTION OF SPECIES

In response to the Election of Species Requirement dated March 13, 2006, Applicant provisionally elects, with traverse, the species of Fig. 4. The claims that are readable on Fig. 4 are as follows: 1-6 and 8-18.

The statement that there are no generic claims is not correct. Claims 1-3 and 5 are subgeneric in that these claims read on the species of Figs. 4 and 7. Claim 4 is generic in that it reads on the species of Figs. 4, 7 and 11.

With regard to claim 7, this claim does not read on Fig. 4. Claim 7 is specific to Fig. 7, which clearly shows the untreated water supply inlet conduit 122 that has been alleged to be missing.

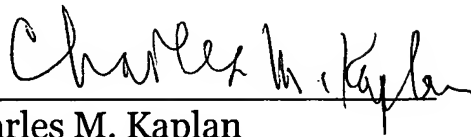
The traverse of the Restriction Requirement is based on the incorrect interpretation of the claims evidenced by the failure to identify claims 1-3 and 5 as being subgeneric, claim 4 as being generic, and claim 7 as being specific to the species of Fig. 7. Further, the species are not mutually exclusive because all species have the structure defined in claim 4, and the species of Figs. 4 and 7 have the structure defined in claims 1-3 and 5. Applicant also contends that the species are not separate or distinct because the claims for all of the species will be classified in the same class and subclass. And all of the claims require the same field of search. Thus the only thing accomplished by the Election of Species Requirement is a prolonging and complication of the examination of the invention disclosed herein.

Accordingly, it is respectfully requested that the Election of Species Requirement be withdrawn, or else that it be repeated and made final so that Applicant may pursue the appropriate remedies.

March 24, 2006

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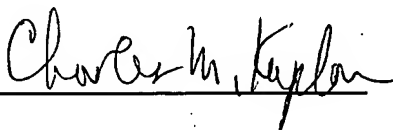
Respectfully submitted,



Charles M. Kaplan
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CERTIFICATE OF MAILING

I, Charles M. Kaplan, hereby certify that the foregoing Election of Species has been deposited with the U.S. Postal Service, with adequate first class postage prepaid, in an envelope addressed to the the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 24th day of March, 2006.

By 

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